

PU020446

Ser. No.10/687,042  
Amdt. dated April 7, 2008  
Reply to Office Action of October 24, 2007

**Remarks/Arguments**

**35 U.S.C. §103**

Claims 1-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dunaway (US Patent No. 5,450,079) in view of Sampsell (US Patent No. 6,496,122), Tagg et al. (US Patent No. 2003/0067451) hereinafter (Tagg), and Heidel et al. (US Patent No. 5,342,047) hereinafter (Heidel).

The present claimed invention, as described in claim 1, teaches a remote control comprising: a housing; a controller supported by said housing; a display supported by said housing and coupled to said controller for communication therewith, said display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area, and a programmable message area operative to display user selected alphabetic characters; and memory coupled to said controller for communication therewith and containing program instructions that allow a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area when said selected one of said plurality of selectable buttons is actuated.

It is respectfully asserted that Dunaway, Sampsell, Tagg, and Heidel fail to disclose, when taken alone or in combination, a "display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area, and a programmable message area operative to display user selected alphabetic characters," as described in claim 1 of the current invention.

It is also respectfully argued that Examiner has used hindsight to arrive at the determination of obviousness. Applicant respectfully suggests that Examiner has impermissibly used the claimed invention as an instruction manual or template to piece together the teachings of the Dunaway, Sampsell, Tagg, and Heidel prior art, along with Examiner's own assertion of obviousness of another claim element, so that the claimed invention is rendered obvious. Examiner also has failed to explain the motivation to

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combine or modify the prior art references. Furthermore, in the case of the Heidel reference, it is respectfully asserted that Examiner has combined elements from nonanalogous art.

Dunaway describes a multimodal hand-held remote control device utilized for selecting designated functions in a plurality of multimedia processing units. Multiple user selectable keypads are provided for initiating transmission of control signals utilizing a wireless transmission system. An electrically alterable graphic designation is provided in association with each user selectable keypad so that a function associated with each particular keypad for a given multimedia process unit may be visually determined. The electrically alterable graphic designation is then varied in response to selection of an alternate mode of operation wherein the functions associated with each user selectable keypad for an alternate multimedia processing unit may be displayed. (Dunaway Abstract)

The Office Action asserts that Dunaway discloses a remote control comprising: a housing (20, Fig. 1); a controller (62, Fig. 3) supported by said housing (20); a display (22, Fig. 3) supported by said housing and coupled to said controller for communication therewith (see Fig. 3), said display divided into a touch screen area defining a plurality of touch selectable buttons and associated labels (24, 26, 28, 30, 32, 34, 36, 38, 40, 42, Fig. 2A), and a programmable message area (22, Fig. 2A) operative to display user selected alphabetic characters; and memory (64, Fig. 3) coupled to said controller (62) for communication therewith and containing program instructions (e.g., different label buttons in different modes as shown in Fig. 2A and 2C).” The Office Action asserts that Dunaway further discloses “depressing HELP button 44 and a selected one of user selectable keypads 24-42, a textual help message associated with a function associated with that user selectable keypad may be displayed within graphic display 22 (see col. 4, lines 2-6).” (Office Action, page 2)

The Office Action admits that Dunaway does not disclose any of:

- the function of the selected button being displayed in the message area when the selected one of the plurality selectable buttons is actuated. (Office Action, pages 2-3)
- the remote control containing program instruction that allow a user to define a custom label for a selected one of the plurality of selectable buttons. (Office Action, page 3)

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- a pre-etched touch screen area defining a plurality of touch selectable button.  
(Office Action, page 3)
- the labels being etched within the touch screen area (buttons). (Office Action, page 4)

Examiner then relies upon Tagg, Heidel, and Sampsell, to individually address elements admitted by the Office Action as not disclosed by Dunaway. It is respectfully asserted that the Examiner has used impermissible hindsight in combining Dunaway, Tagg, Heidel, and Sampsell for disclosure of these features. Additionally, the Examiner relies upon his own assertion that "it would have been obvious to one of ordinary skill in the art to modify the device of Dunaway by eliminating the HELP button because it would be more simple and quicker to get to information related to the selected button when only one button is actuated." Applicant respectfully disagrees that this modification would be obvious and requests citation of art that supports Examiner's assertion.

Based at least upon the elements admitted in the Office Action as not being disclosed by Dunaway, it is respectfully submitted that Dunaway fails to disclose a "display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area, and a programmable message area operative to display user selected alphabetic characters," as described in currently amended claim 1.

Sampsell describes an image display system capable of displaying two distinct images at the same time. One image is shown on an image display device such as a television or computer monitor which is coupled to the image display system. The other image is shown on a remote control included in an image display system. A docking station is also part of the image display system. It is connected by standard audio-visual coaxial cable to the TV and associated video devices and sends compressed digital video signal information to the video remote control by RF communication. Both the docking station and the video remote control have RF antennas and receivers capable of sending digital RF signals. Digital command and information signals are exchanged between the docking station and video remote control to allow control from the remote control of the functions of the TV and other video devices. (Sampsell Abstract)

The Office Action asserts that Sampsell teaches "a programmable remote control that containing programmable instruction that allow a user to define a custom label for a

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selected one of the plurality of selectable buttons (see Figs. 4, 5, and col. 10, lines 11-57 for example)." (Office Action, page 3)

The Office Action admits that Dunaway, as modified by Sampsell, still does not disclose pre-etching touch screen area defining a plurality of touch selectable button.

Furthermore, Applicant respectfully disagrees that Sampsell teaches "a programmable remote control that containing programmable instruction that allow a user to define a custom label for a selected one of the plurality of selectable buttons." Figures 4 and 5 and column 10, cited by Examiner, disclose "soft-key" arrangements that may "be selected by changing the menu displayed on the image screen by pressing the next button." (Sampsell, column 10, lines 13-16) The present invention, in contrast, provides for user determination of the alphanumeric label that is displayed, not just selection of a menu. (Specification, page 12, line 30 to page 13, line 12).

Thus, Sampsell, like Dunaway, fails to disclose a "display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area, and a programmable message area operative to display user selected alphabetic characters," as described in currently amended claim 1.

Tagg describes a capacitive touch detector that utilizes a narrow band buffer to improve selectivity. Means for reducing the effect of noise comprise capacitive coupling of the buffer into the detector. The detector consists of a plurality of sensor pads of different inherent capacitances and means to approximate impedances. A synchronous demodulator is arranged to be connected as a tracking filter to track the frequency of a capacitance-measuring signal from one to another of the sensor pads. A controller is connected to a number of pads or capacitive sensing zones by way of buffered multiplexer chips and shielded connectors and cables. (Tagg Abstract)

The Office Action admits that "Dunaway as modified by Foster [sic] and Tagg also does not disclose the labels being etched within the touch screen area (buttons)."

Thus, Tagg, like Sampsell and Dunaway, fails to disclose a "display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched

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within said pre-etched touch screen area, and a programmable message area operative to display user selected alphabetic characters," as described in currently amended claim 1.

Heidel describes a video lottery terminal that employs touch screens. The touch screen permits a number of different games to be played on the same machine. The play of certain games is improved by using electromechanical game buttons in conjunction with touch screen controls. (Heidel Abstract)

The Office Action asserts that "Heidel teaches a touch screen having a plurality of buttons, and a translucent label etched with labels having indicia this is secured with a button (col. 3, lines 33-35, 57-60)." (Office Action, page 4)

It is respectfully submitted that Heidel does not disclose the pre-etched screen of the present claimed invention. As shown in Figure 4 and described in column 3, lines 53-60 of Heidel, Heidel relies upon an etched label to provide a mechanism for changing labels on the game control buttons. The passage cited in the Office Action states that "[h]ere a translucent label 78 etched with labels having indicia that are responsive to two different colors or frequencies of light is secured with a transparent button cover 80." This is in contrast to the present invention which specifically avoids the use of stick-on labels and instead provides a customizable display which allows "a user to define a custom label or name for a selected one of the plurality of selectable buttons that is displayed in the message area when the selected one of the plurality of selectable buttons is actuated." (Specification, page 1, line 31 through page 2, line 2 and page 2, lines 21-23)

It is also respectfully submitted that casino machines are not analogous art to remote controls and that a practitioner would not be motivated to combine the invention of Heidel with the combined inventions of Dunaway, Sampsell, Tagg, and the additional elements asserted as obvious by Examiner.

Thus, Heidel, like Tagg, Sampsell and Dunaway, fails to disclose a "display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area, and a programmable message area operative to display user selected alphabetic characters," as described in currently amended claim 1.

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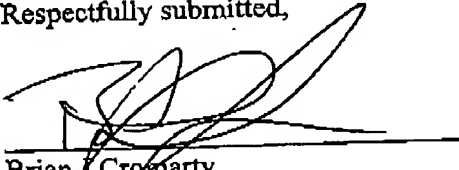
Docket No. PU020446  
Customer No. 24498

In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 enabling disclosure provided by Dunaway, Sampsell, Tagg, or Heidel, alone or in combination, that makes the present invention as claimed in claim 1 unpatentable. It is further submitted that independent claim 10 is allowable for at least the same reasons that claim 1 is allowable. Since dependent claims 2-9 and 11-17 are dependent from allowable independent claims 1 and 10 respectively, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (609) 734-6804, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

  
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